

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ALEXIS TORRES-CASTILLO

CRIMINAL COMPLAINT

Case Number:

MJ 12-214 (JJG)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 15, 2012, in Lyon County, in the State and District of Minnesota, defendant(s)

an alien who had previously been removed from the United States on or about April 22, 2009, February 24, 2010, and June 29, 2011, subsequent to a conviction for an aggravated felony, namely: Domestic Assault Subsequent Offense, in the State of Minnesota, on or about February 13, 2009, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Complainant

Eric J. O'denius

U.S. ICE

St. Paul, MN

City and State

Signature of Judicial Officer

SCANNED

APR 25 2012

U.S. DISTRICT COURT ST. PAUL

mj 12-214 (JJG)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Eric J. O'Denius

Eric J. O'Denius, being duly sworn, deposes and states as follows:

1. I have been employed as a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since April 29, 2007. I have been continuously employed within the Department of Homeland Security, and the former Immigration and Naturalization Service (INS), since September 14, 1997, when I began my career as a Detention Enforcement Officer. On September 25, 2004, I was promoted to Immigration Enforcement Agent (IEA). On June 11, 2006, I was promoted to Supervisory Immigration Enforcement Agent. On April 29, 2007, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal complaint and arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about February 15, 2012, in the city of Marshall, Lyon County, in the State and District of Minnesota, Alexis

Eduardo TORRES-Castillo, AKA: Uriel ORTEGA-Cabello, a citizen and national of Mexico, unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that TORRES-Castillo's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On February 15, 2012, Defendant was encountered via the Criminal Alien Program (CAP) while detained by Lyon County, city of Marshall, Minnesota, by the ICE Enforcement and Removal Operations (ERO) St. Paul Field Office CAP team. IEA Joshua Holien determined that Defendant was an alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally, and lodged a detainer. On April 12, 2012, Defendant was turned over to ICE officers pursuant to detainer and transported to the ICE office in Bloomington, MN for processing.
6. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A088 138 918, Federal Bureau of Investigations number 859911RC1 and DHS Fingerprint

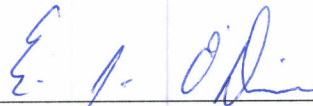
Identification number (FIN) 1075439243, revealing Defendant's previous immigration and criminal history.

7. On or about April 13, 2009, Defendant was convicted in the Lyon County District Court, Marshall, Minnesota of Domestic Assault, Subsequent Violation, per Minnesota Statute 609.2242 subdivision 2, and ordered confined for 365 days, with 275 days stayed for 2 years. That offense is an aggravated felony under the Immigration and Nationality Act (INA) because the INA defines the term "aggravated felony," in relevant part, as "a crime of violence (as defined in Section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment is at least one year." INA § 101(a)(43)(F); 8 U.S.C. § 1101(a)(43)(F). On March 8, 2011, Defendant's sentence was amended to 365 days confinement, with credit for 139 days, in Case Number 42-CR-08-178.
8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A088 138 918. Defendant's A-file file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on three (3) occasions prior to being found in the District of Minnesota in 2012. On August 27, 2008, Defendant was ordered removed from the United States to Mexico by an Immigration Judge at Bloomington, Minnesota. On April 22, 2009, Defendant was removed from the United States to Mexico at Laredo, Texas, subsequent to his conviction for an Aggravated Felony. On February 23, 2010, Defendant was found in

- the United States and his order was reinstated. On February 24, 2010, Defendant was removed from the United States to Mexico at Brownsville, Texas. On June 21, 2011, Defendant was found in the United States and his order was reinstated. On June 29, 2011, Defendant was removed from the United States to Mexico at Laredo, Texas.
9. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Alexis Eduardo TORRES-Castillo, AKA: Uriel ORTEGA-Cabello, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on February 15, 2012 by Immigration and Customs Enforcement Officers.
 10. Defendant is subject to removal as an alien who re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC 1231(a)(5). Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.
 11. My investigation has revealed that Defendant is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.
 12. My investigation has revealed that since his first removal from the United States on April 22, 2009, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

13. Based on these facts, I have reason to believe that Alexis Eduardo TORRES-Castillo, AKA: Uriel ORTEGA-Cabello is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and Title 6, United States Code, Sections 202 and 557, Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, following the conviction of an aggravated felony.

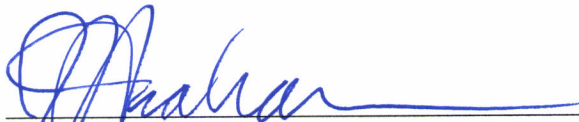
14. Further Your Affiant Sayeth Not.



Eric J. O'Denius, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24 day of April, 2012.



JEANNE J. GRAHAM
United States Magistrate Judge